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To:

Name:	FACSIMILE:	TELEPHONE:
Mail Stop Amendment Commissioner for Patents U.S. Patent and Trademark Office	571-273-8300	571-272-4802

FROM:

Rick Shoop

DATE:

October 12, 2005

Number of pages with cover page:	9	Originals Will Not Follow
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Preparer of this slip has confirmed that facsimile number given is correct: 10852/say4

Comments:

Attorney Docket No.: 578632000201

Group Art Unit: 3743
Examiner: M. Patel
Serial No.: 10/827,073
Filing Date: April 19, 2004
Inventor: Rajiv DOSHI

Title: METHODS AND DEVICES FOR IMPROVING BREATHING IN PATIENTS

WITH PULMONARY DISEASE

Papers attached:

1. Transmittal (1 page)

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- 2. Fee Transmittal plus duplicate for fee processing (2 pages)
- 3. Information Disclosure Statement (3 pages)

4. Form PTO/SB/08a/b (2 pages)

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PTO/SB/21 (09-04) Approved for use through 07/31/2006. OMB 0551-0031 U.S. Palent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 10/827,073 Filing Date TRANSMITTAL April 19, 2004 First Named Inventor **FORM** Rajiv DOSHI Art Unit 3743 (to be used for all correspondence after initial filing) Examiner Name M. Ratel Altomey Docket Number 8 578632000201 Total Number of Pages In This Submission ENCLOSURES (Check all that apply) Fee Transmittal Form plus duplicate After Allowance Communication Drawing(s) for fee processing (2 pages) to TC Appeal Communication to Board of Fee Attached Ucensing-related Papers Appeals and Interferences Appeal Communication to TC Amendment/Reply Petition (Appeal Notice, Brief, Reply Brief) Pelilion to Convert to a After Final **Proprietary Information** Provisional Application Power of Attorney, Revocation Affidavits/declaration(s) Status Letter Change of Correspondence Address X Other Enclosure(s) (please Extension of Time Request **Terminal Disclaimer** Identify below): 1. Form PTO/SB/08a/b (2 pages) Express Abandonment Request Request for Refund 2. Fax Cover Sheet Information Disclosure Statement CD, Number of CD(s) (3 pages) Certified Copy of Priority Landscape Table on CD Document(s) Reply to Missing Parts/ Remarks Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name MORRISON & FOERSTER LLP (Customer No. 25226) Signature Printed name Rick Shoop Date Reg. No. October 12, 2005 45,763

I hareby cartify that this correspondence on the date shown below.	is being facsimile transmitted to the Patent and	Trademark Office, facsimile no. 571-273-8300,
Dated: October 12, 2005	Signatura: Sudy (i	(Sandy YI)

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PTC/SB/17 (12-04v2)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE to a collection of information unless it displays a valid OMB control number.

Under the Paperwork Resource Act of 1995, to person all required to respond to a confection of internation united in aspects a value of the confect in the confect of the c							
Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).	Application Number	10/827,073					
FEE TRANSMITTAL	Filing Date	April 19, 2004					
	First Named Inventor	Rajiv DOSHI					
For <u>FY 2005</u>	Examiner Name	M. Patel					
X Applicant ctalms small entity status. See 37 CFR 1.27	Art Unit	3743					
TOTAL AMOUNT OF PAYMENT (\$) 180.00	Attorney Docket No.	578632000201					
METHOD OF PAYMENT (check all that apply)							
Check Credit Card Money Order Nor	oc Other (please ider	mify):					
X Deposit Account Deposit Account Number: 03-1952 Deposit Acc	ount Names MC	mison & Foerst	er LLP				
For the above-identified deposit account, the Director is	hereby authorized to: (che	ck all that apply)	_				
x Charge fee(s) indicated below		· ·	cept for the filing fee				
Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	X Credit any over	ayments					
FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
FILING FEES SE		NATION FEES					
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Design 200 100 100	50 130	65.	0.00				
Plant 200 100 300	J50 160	80	0.00				
Reissue 300 150 500	250 600	300	0.00				
Provisional 200 100 0	0 0	0	0.00				
2. EXCESS CLAIM FEES		•	Small Entity				
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Each independent claim over 3 (including Reissues)			200 100				
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3. APPLICATION SIZE FEE If the specification and drawings exceed 100 sheets of paper	(excluding electronically (filed sequence or	computer				
listings under 37 CFR 1.52(e)). the application size fee du	te is \$250 (\$125 for small	entity) for each a	dditional 50				
sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and		,					
	dditional 50 or fraction them	444	Fee Paid (\$)				
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4. OTHER FEE(S)			Fees Paid (\$)				
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): 1806 Submission of an Information Disclosure Statement 180.00							
SUBMITTED BY	Registration No.		40-01-0-1-0				
Signature	Registration No. 45,763 (Altomoty/Agent)	Telephone	(650) 813-5804				
Name (PrintType) Rick Shoop		Date	October 12, 2005				

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PATENT

Docket No. 578632000201

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below.

Dated: October 12, 2005

Signature:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Rajiv DOSHI

Serial No.: 10/827,073

Filing Date: April 19, 2004

For: METHODS AND DEVICES FOR

IMPROVING BREATHING IN PATIENTS WITH PULMONARY

DISEASE

Examiner: M. Patel

IVI. Fatt

Group Art Unit: 3743

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicant submits for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. U.S. Patents/Patent Applications numbered 13-15, 59 and 60 are not submitted herewith. However, copies of the remaining documents cited in the attached Form PTO/SB/08a/b were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related application Serial Number 09/881,862, filed June 14, 2001, and, accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. §1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

10/13/2005 EAREGAY1 00000053 031952 10827073

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Application Serial No. 10/827,073

PATENT Docket No. 578632000201

	This Info	ormation Disclosure Statement is submitted:
	With t	ne application; accordingly, no fee or separate requirements are required.
	Before	the mailing of a first Office Action after the filing of a Request for Continued
	Exami	nation under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97
	(e)(1)	as been provided.
	Withir	three months of the application filing date or before mailing of a first Office Action
	on the	merits; accordingly, no fee or separate requirements are required. However, if
	applica	ble, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
\boxtimes	After r	eceipt of a first Office Action on the merits but before mailing of a final Office Action
	or Not	ce of Allowance.
		A fee is required. A check in the amount of is enclosed.
	\boxtimes	A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to
		this submission in duplicate.
		A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is
		believed to be due.
	Aftern	nailing of a final Office Action or Notice of Allowance, but before payment of the
	issue f	ee.
		A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the
		amount of is enclosed.
		A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal
		form (PTO/SB/17 is attached to this submission in duplicate.)
	Ap	plicant would appreciate the Examiner initialing and returning the Form
PTO/S	SB/08a/t	, indicating that the information has been considered and made of record herein.
	Th	information contained in this Information Disclosure Statement under
37 C.I	F.R. § 1.	97 and § 1.98 is not to be construed as a representation that: (i) a complete search has
been r	nade; (ii	additional information material to the examination of this application does not exist;
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Application Serial No. 10/827,073

PATENT Docket No. 578632000201

(iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to <u>Deposit Account No. 03-1952</u> referencing <u>578632000201</u>.

Dated: October 12, 2005

Respectfully submitted,

Richard D. Shoop

(650)813-5804

Registration No.: 45,763

MORRISON & FOERSTER LLP 755 Page Mill Road Palo Alto, California 94304-1018

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OCT 1 2 2005

ALTERNATIVE TO PTO/S8/08 a/b (05-03)

Substitute for form 1449/PTO		Complete if Known				
	Summer for forms (v joss v	•		Application Number	10/827,073	
IN	NFORMATIC	ON DIS	CLOSURE	Filing Date	April 19, 2004	
STATEMENT BY APPLICANT			PPLICANT	First Named Inventor	Rajiv DOSHI	
				Art Unil	3743	
(Use as many sheets as necessary)		Examiner Name	M. Patel			
Sheel	1	of	2	Attorney Docket Number	578632000201	

Chapter		U.S. PATENT DOCUMENTS					
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INF	ORMATIC	ON DIS	CLOSURE	Filing Date	April 19, 2004
ST	STATEMENT BY APPLICANT			First Named Inventor	Rajiv DOSHI
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